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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,371	06/26/2001	David C. Gibbon	Gibbon 109579RE	5572

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AT & T- Legal Department - Brendzel

ATTN: Patent Docketing

Rm 2A-207

Bedminster, NJ 07921

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 03/10/2011

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

1. 37 CFR 1.176(b) permits the examiner to require restriction in a reissue application between claims newly added in a reissue application and the original patent claims, where the added claims are directed to an invention which is separate and distinct from the inventions defined by the original patent claims. MPEP § 1450. In this case, the invention of original claims 1-28 (now cancelled) and the invention of newly presented claims 30-54 are directed to related processes. The related inventions are distinct if: (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants. See MPEP § 806.05(j). In the instant case, the inventions as claimed can have materially different functions because the process recited in claims 30-54 functions to execute a keyword search to identify a pictorial transcript representation, whereas the process recited in original claims 1-28 functions to transform a video program to a pictorial transcript. Furthermore, the inventions as claimed do not encompass overlapping subject matter and there is nothing of record to show them to be obvious variants.
2. Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and/or examination burden if restriction were not required because at least the following reason applies:
3. Separate Classification: The manner of transforming video data and image processing (Subclass 386/353, Class 382, Subclass 345/418) has attained recognition in the art as a separate

subject for inventive effort than executing searches on a data source (Class 707), and also a separate field of search.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 30-54 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP §§ 1450, 821.03. Since no claims remain, a notice of non-responsive amendment is proper.

4. Moreover, the amendment is defective because the claims do not show all the changes relative to the original patent by bracketing/underlining, and are thus not in accordance with 37 CFR 1.173. See MPEP § 1453. For example, newly presented claims 30-54 must be underlined in their entity since these are new to the original patent. Any amendments to claims 1-28 must be either underlined for added limitations or placed between brackets for deleted limitations.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON M. REPKO whose telephone number is (571)272-8624. The examiner can normally be reached on Monday through Friday 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached on (571)272-7782. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jason M Repko/
Primary Examiner, Art Unit 2628